





Report to the Auburn City Council

Action Item
2
Agenda Item No.

City Manager Approval

To: Mayor and City Council Members

From: Bernie Schroeder, Public Works Director 
Megan Siren, Administrative Analyst/Transit Manager 

Date: September 13, 2010

Subject: Congestion Mitigation and Air Quality Program Supplement Agreement – Street Sweeper Purchase

The Issue

Shall the City of Auburn authorize the Director of Public Works to execute the Program Supplement Agreement with the Department of Transportation for the Street Sweeper Purchase?

Conclusion and Recommendation

Staff recommends that City Council, **BY RESOLUTION**, authorize the Director of Public Works to execute the Program Supplement No. N010 for Project Number CML – 5077 (016) EA Number 03-929256 for the purchase of a Street Sweeper.

Background

The City received a Congestion Mitigation and Air Quality (CMAQ) Program funding through Placer County Transportation Planning Agency (PCTPA) in Spring of 2008 for the purchase of Street Sweeper. The total project cost for purchase of the Street Sweeper was obligated through the California Department of Transportation (Caltrans) at \$282,040 with a local match required of \$36,338 and CMAQ funding of \$245,702. The City must have the Program Supplement executed prior to requesting reimbursement for the project.

The City has been authorized through California Department of Transportation to proceed with purchase of the Street Sweeper. The City Council approved purchase on June 28, 2010; public works staff finalized the purchase in July 2010. The City anticipates receiving the Street Sweeper by early 2011.

Alternatives Available to Council; Implications of Alternatives

1. Accept Staff Recommendation
2. Take no action.

Fiscal Impact

Funding for this project is primarily from the federal funds that are administered by the State of California Department of Transportation under the Congestion Mitigation and Air Quality Improvement Program. The matching funds required by the grant of \$36,338 are provided by Local Transportation Funds that are programmed in the 2010-2011 Operating Budget.

Attachments: Program Supplement No. N010 to Administering Agency-State Agreement for Federal Aid Project No. CML-5077(016) EA number 03-929256
Department of Transportation letter dated August 19, 2010

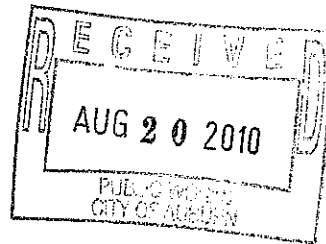
DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3151
Fax (916) 653-7621



August 19, 2010

Mr. Bernie Schroeder
Engineering Manager
City of Auburn
1225 Lincoln Way
Auburn, CA 95603



File : 03-PLA-0-AUB
CML-5077(016)
City of Auburn

Dear Mr. Schroeder:

Enclosed are two originals of the Program Supplement Agreement No. 010-N to Administering Agency-State Agreement No. 03-5077R and an approved Finance Letter for the subject project. Please retain the signed Finance Letter for your records.

Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. Attach your local agency's certified authorizing resolution that clearly identifies the project and the official authorized to execute the agreement. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

In accordance to Government Code 16304, Federal funds appropriated by the State budget are available for liquidation only for seven years and the State funds are available only for five years. The attached Finance Letter shows these deadlines as the "Reversion Date". Please ensure that your invoices are submitted at least 60 days prior to the reversion date to avoid any lapse of funds. If your agency is unable to seek reimbursement by this date you may request an extension through a Cooperative Work Agreement (CWA). A CWA is subject to the final approval of the State Department of Finance. If approved, the CWA may extend the deadline for up to one year for federal funds and up to three years for State funds.

Please note that Government Code 16304 does not supersede any other more restrictive expenditure deadlines.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

BILL SANDOVAL, Chief
Office of Project Implementation - North
Division of Local Assistance

Enclosure

c: DLA AE Project Files
(03) DLAE - John Hoole

PROGRAM SUPPLEMENT NO. N010
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 03-5077R

Date: August 12, 2010
Location: 03-PLA-0-AUB
Project Number: CML-5077(016)
E.A. Number: 03-929256
Locode: 5077

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 01/17/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

City of Auburn

TYPE OF WORK: Replace existing street sweeper with a clean diesel powered street sweeper **LENGTH:** 0.0(MILES)

| Estimated Cost | Federal Funds | | Matching Funds | |
|----------------|---------------|--------------|----------------|--------|
| | L40E | | LOCAL | OTHER |
| \$282,040.00 | | \$245,702.00 | \$36,338.00 | \$0.00 |

CITY OF AUBURN

STATE OF CALIFORNIA
Department of Transportation

By _____
 Title _____
 Date _____
 Attest _____

By _____
 Chief, Office of Project Implementation
 Division of Local Assistance
 Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Manuela del Date 8/12/10 \$245,702.00

| Chapter | Statutes | Item | Year | Program | BC | Category | Fund Source | AMOUNT |
|---------|----------|--------------|-------|---------------|----|----------|-------------|--------------|
| 1 | 2009 | 2660-102-820 | 09-10 | 20.30.010.820 | C | 262040 | 114-892-F | \$245,702.00 |
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SPECIAL COVENANTS OR REMARKS

1. In accordance with the Final Guidance on the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, as described in VII.D.12 of the Federal Register / Vol. 73, No. 203 / Monday, October 20, 2008 / Notices, documentation to verify retirement of the equipment being replaced will be provided by the ADMINISTERING AGENCY to the Caltrans District Local Assistance Engineer (DLAE) as an attachment to the Final Report of Expenditures.
2. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
3. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

Failure to do so will cause a delay in the State processing invoices for the construction phase.

Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid.

SPECIAL COVENANTS OR REMARKS

These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

6. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

7. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
8. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

PROGRAM SUPPLEMENT NO. N010
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 03-5077R

Date: August 12, 2010
Location: 03-PLA-0-AUB
Project Number: CML-5077(016)
E.A. Number: 03-929256
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This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 01/17/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____
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PROJECT LOCATION:

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TYPE OF WORK: Replace existing street sweeper with a clean diesel powered street sweeper **LENGTH:** 0.0(MILES)

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CITY OF AUBURN

STATE OF CALIFORNIA
Department of Transportation

By _____
 Title _____
 Date _____
 Attest _____

By _____
 Chief, Office of Project Implementation
 Division of Local Assistance
 Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer _____ **Date** _____ **\$245,702.00**

| Chapter | Statutes | Item | Year | Program | BC | Category | Fund Source | AMOUNT |
|---------|----------|------|------|---------|----|----------|-------------|--------|
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8. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

1 RESOLUTION NO. 10-

2 RESOLUTION AUTHORIZING THE PROGRAM SUPPLEMENT AGREEMENT WITH
3 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE
4 STREET SWEEPER PROJECT FUNDED BY CONGESTION MITIGATION AND AIR
5 QUALITY IMPROVEMENT PROGRAM.

6 -----
7 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

8 That the City Council of the City of Auburn does hereby authorize the
9 Director of Public Works to execute the Program Supplement No. N010 for
10 Project Number CML - 5077 (016) EA Number 03-929256 for the purchase of a
11 Street Sweeper.

12 A true and correct copy of said Program Supplement is attached hereto as
13 Exhibit "A."

14 DATED: September 13, 2010

15
16 _____
Bridget Powers, Mayor

17 ATTEST:

18 _____
19 Joseph G. R. Labrie, City Clerk

20
21 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
22 that the foregoing resolution was duly passed at a regular session meeting of
23 the City Council of the City of Auburn held on the 13th day of September 2010
by the following vote on roll call:

24 Ayes:

25 Noes:

26 Absent:

27 _____
Joseph G. R. Labrie, City Clerk

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